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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,588	12/20/2001	Christina Chow	40655.3800	8373

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EXAMINER	
KARMIS, STEFANOS	

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/032,588	CHOW ET AL.	
	Examiner	Art Unit	
	Stefano Karmis	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☒ Claim(s) *1* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 18 January 2006.

Status of Claims

2. Claims 1, 4, 11 and 12 are currently amended. Claims 3, 5, 8-10 and 13 are previously presented. Claims 2, 6 and 7 are originally filed. Therefore claims 1-13 are pending in this office action.

Response to Arguments

3. Applicant's arguments filed 18 January 2006 have been fully considered but they are not persuasive as discussed below. Therefore claims 1-13 stand rejected and Applicant's request for allowance is respectfully declined.

Claim Objections

4. Claim 1 is objected to because of the following informalities: Claim 1 recites wherein said brokerage account and "line of credit is opened" in real-time... However, other parts of claim 1, recites "establishing a line of credit." Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 1, Applicant states that the "said brokerage account and line of credit is opened in real-time via said host server and without human intervention." A review of Applicant's specification has no discussion relating to "human intervention." In fact, it appears that there is some human intervention with the process of opening a brokerage account. Applicant's specification selects an account type and preferences and submits these for processing into the trading system (page 11). Further when communicating with the trading system, user authentication information is received, such as a username and password which is used to access the account (page 12). The system also requires the user to send in a signature within 21 days of opening an account (Figure 11). For these reasons, the written description does not clearly point out which steps are done without human intervention when opening the brokerage account. Independent claims 11 and 12 contain similar limitations and therefore stand rejected for the same reason as claim 1. Claims 2-10 and 13 are rejected under 35 U.S.C. 112, first paragraph, because of their dependency on claims 1, 11 or 12.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. (hereinafter Weiss) in view of Lent et al. (hereinafter Lent) U.S. Patent 6,405,181.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. (hereinafter Weiss) in view of Lent et al. (hereinafter Lent) U.S. Patent 6,405,181 as discussed in the previous office action mailed 19 October 2005. Applicant states that Weiss and Lent fails to teach based upon said establishing said line of credit and said opening said brokerage account, and without human intervention, transferring a monetary value from said line of credit to said

brokerage account to activate said brokerage account, wherein said monetary value is immediately available for participation in an investment." As mentioned above, the "without human intervention" teachings of the Applicant are not clearly described in the specification and therefore the teachings of Lent for establishing a line of credit using an Underwriter obtaining credit approval without human intervention (column 8, lines 56-67). Lent also teaches that transferred money is immediately available because account balances are transferred in a real-time (column 16, line 16-60). Independent claims 11 and 12 contain similar limitations and therefore stand rejected for the same reason as claim 1. Claims 2-10 and 13 are rejected under 35 U.S.C. 103, as discussed in the previous office action mailed 19 October 2005.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted
Stefano Karmis
31 March 2006

HANI M. KAZIMI
PRIMARY EXAMINER